



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,103	08/15/2000	Patrick McErlean	FKC-100US	1503
23122	7590	11/14/2008		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER BOUTAH, ALINA A	
			ART UNIT 2443	PAPER NUMBER
			MAIL DATE 11/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/640,103

Applicant(s)

MCKERLEAN, PATRICK

Examiner

ALINA N. BOUTAH

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed August 27, 2008.

Claims 8 and 15 have been cancelled. Claims 1-7, 9-14 and 16 are pending in the present application.

The indicated allowability of claims 1-7, 9-14 and 16 is withdrawn in view of the newly discovered reference(s) to Morita et al. Rejections based on the newly cited reference(s) follow. Examiner regrets any inconvenience.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,424,997 issued to Bushkirk, Jr. et al. (hereinafter referred to as Bushkirk) in view of USPN 5,832,470 issued to Morita et al. (hereinafter referred to as Morita).

Regarding claim 1, Bushkirk teaches an electronic message processing system arranged to receive electronic messages, the system comprising:

means for storing a plurality of classification rules (figure 2: 125);
at least one text analyzer (figure 1: classifier and action selector);
a respective rule engine associated with the at least one text analyzer and with rule storage means, the at least one text analyzer and associated rule engine being co-operable to apply at least one classification rule to the content of a received electronic message and to generate at least one result based on the application of said at least one classification rule (figures 1 and 2; abstract; col. 4, lines 6-36);

a classification module co-operable with the at least one text analyzer and associated rule engine and arranged to classify the electronic message into at least one message category based on said at least one result, wherein the classification rules are arranged into a plurality of rule sets, the classification module being arranged cause the at least one text analyzer in association with the associated rule engine to apply at least one of said rule sets of the plurality of rule sets to the message content, wherein the at least one result generated by application of the at least one rule set from said plurality of rule sets to the message content determines at least one other rule set from said plurality of rule sets next to be applied to said message content (figures 1 and 2; abstract; col. 1, lines 52-62; col. 2, lines 39-58; col. 3, lines 16-25).

However, Bushkirk fails to explicitly teach applying the one or more rule sets to the message content in accordance with a hierarchical structure. Morita teaches applying rules to message content in accordance with a hierarchical structure (figures 1, 2, 5, abstract; col. 21, line 63 to col. 22, line 35). At the time the invention was made, one of ordinary skill in the art would have been motivated to apply rules to message

content in accordance with a hierarchical structure because a hierarchical structure enables the possibility of rapidly applying the rule set to the message content because of its different level structure, therefore minimizing the classification time.

Regarding claim 2, Bushkirk teaches an electronic message processing system as claimed in claim 1, wherein the at least one text analyzer and associated rule engine are arranged to generate a respective result set for the at least one rule set applied to the message content, the classification module being arranged to determine respectively from the at least one result set whether to classify the message category or cause a further rule set to be applied to the message content (col. 1, lines 52-62; col. 2, lines 39-58; col. 3, lines 16-25).

Regarding claim 3, Bushkirk teaches an electronic message processing system as claimed in claim 1, wherein the text analyzer includes the rule engine (figures 1 and 2).

Regarding claim 4, Bushkirk teaches an electronic message processing system as claimed in claim 3, wherein the classification module is arranged instantiate a respective instance of the text analyzer for each rule set, each text analyzer instance being arranged apply respective set the message content (col. 1, lines 52-62; col. 2, lines 39-58; col. 3, lines 16-25).

Regarding claim 5, Bushkirk teaches an electronic message processing system as claimed claim 4, wherein each text analyzer instance associated with a respective lexical analysis tool (abstract).

Regarding claim 6, Bushkirk teaches an electronic message processing system as claimed claim 1 wherein each lexical analysis tool includes a dictionary (figure 2: 105).

Regarding claim 7, Bushkirk teaches an electronic message processing system as claimed claim 1 wherein the rule storage means comprises a plurality of rule files, each rule file containing a respective rule set (figure 2: 125).

Claim 9 is similar to claim 1, therefore are rejected under the same rationale.

Regarding claim 10, Bushkirk teaches a method of classifying an electronic message as claimed in claim 9 further including: instantiating for each rule set (figure 1); and arranging each text analyzer instance to apply its respective rule set to the message content (figures 1 and 2).

Regarding claim 11, Bushkirk teaches an electronic message processing system as claimed in claim 1, wherein the electronic messages to be processed include unstructured text-based messages (abstract).

Regarding claim 12, this is an electronic mail (e-mail) processing system comprising an electronic message processing system as claimed in claim 1, therefore is rejected under the same rationale.

Regarding claim 13, this is an SMS message processing system comprising an electronic message processing system as claimed in claim 1, therefore is rejected under the same rationale.

Claims 14 and 16 are similar to claim 1, therefore are also rejected under the same rationale.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALINA N. BOUTAH whose telephone number is (571)272-3908. The examiner can normally be reached on Monday-Thursday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alina N Boutah/
Examiner, Art Unit 2443